

THE LAW FIRM OF
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April 4, 2024

VIA CM/ECF

Honorable Judge Lewis J. Liman
United States District Court
Southern District of New York
500 Pearl Street, Courtroom 15C
New York, New York 10007

Re: Norris v. Avoa LLC, d/b/a Emilia By Nai, et al.-
Case 1:22-cv-07555-LJL

Dear Judge Liman:

This firm represents Defendant AVOA LLC (“AVOA”) in the above referenced matter. I am writing in response to Plaintiff’s April 3, 2024 letter requesting that this Court order AVOA’s principal, Ruben Rodriguez, to appear in person in court on April 11, 2024. It is this office’s position that the request should be denied because such a request is premature at this stage for the reasons set forth herein.

First, this office just filed its motion to be relieved as counsel on April 3, 2024 and, as such, AVOA has not yet had the opportunity to receive and respond to such motion in due course. Second, assuming that the motion is not opposed and is granted, AVOA should be given a reasonable amount of time to retain new counsel because a corporation may not represent itself and Mr. Rodriguez is not individually named in this lawsuit. Third, Plaintiff’s application, if granted, would place this firm in a tenuous position that it could not render proper representation (as counsel of record) for its client (that would be presumably appearing in person in court and standing next to each other) while a motion to be relieved is still pending. Certainly, this office understands the frustration shared by itself and Plaintiff due to AVOA’s failure to meet its financial obligations; however, everything must be dealt with equitably and in due course and, with all due respect, Plaintiff’s application appears premature.

Accordingly, it is this office’s position that Plaintiff’s application should be denied and that the April 11, 2024 conference should be adjourned pending the motion to be relieved as counsel and then rescheduled for a later date as the Court sees fit after the motion is decided.

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Respectfully submitted,




Adam C. Weiss

cc: Bradley Weitz, Esq.

The Court will entertain counsel for Defendant's pending motion to withdraw, Dkt. No. 39, at the conference scheduled for April 11, 2024, which will proceed telephonically rather than in person. Both counsel for Defendant and Defendant's principal, Ruben Rodriguez, are directed to attend the conference. Parties are directed to dial into the Court's teleconference number at 888-251-2909, Access Code 2123101, and follow the necessary prompts. Counsel for Defendant's request to adjourn the conference is DENIED. The Clerk of Court is respectfully directed to close Dkt. No. 44.

SO ORDERED.


LEWIS J. LIMAN
United States District Judge

April 4, 2024